

Appl. No. 10/751,722
Amdt. Dated July 7, 2006
Reply to Final Office Action of May 10, 2006

REMARKS/ARGUMENTS

In the Office Action dated May 10, 2006, the Examiner 1) rejected claims 1, 2, 5, 7-10, 13, 15, and 16 under 35 U.S.C. § 102(b) as being anticipated by Applicant's admitted prior art; and 2) rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* (U.S. Patent 4,336,728) in view of either *Rozmus* (U.S. Patent 3,490,317) or *Kress* (U.S. Patent 1,957,462). In responding to the rejections below, Applicant makes arguments addressed to specific claims. Applicant's arguments are intended to be limited to the claims to which they are addressed. Such arguments are not intended to apply to similar language in other claims not expressly addressed by the arguments.

Rejections based on 35 U.S.C. § 102(b) and § 103(a)

The Examiner rejected claims 1, 2, 5, 7-10, 13, 15, and 16 under 35 U.S.C. § 102(b) as being anticipated by Applicant's admitted prior art, and rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* in view of either *Rozmus* or *Kress*. Based on the Examiner's comments following the stated grounds of rejection of claims 6 and 14 under 35 U.S.C. § 103(a), Applicant assumes that the Examiner mistakenly cited *Deibert* as part of the grounds for rejection of claims 6 and 14 under § 103 instead of Applicant's admitted prior art. Under this assumption, Applicant will address the Examiner's rejection of claims 6 and 14 under § 103(a) based on Applicant's admitted prior art in view of either *Rozmus* or *Kress*.

Applicant's admitted prior art teaches a biasing mechanism featuring a pin on one end and a spring element on the opposed end. The pin and spring element are connected and oriented essentially perpendicular to each other. The pin is inserted into a through-hole of a pawl, and thereby connected with the pawl, while the spring element is inserted into a receptacle located within a switch member. When the switch member is actuated in the invention described in Applicant's admitted prior art, the pin acts on the through-hole of the pawl, causing the pawl to move in the direction of the pin. The through-hole of the pawl does not appear to have a first wall portion and a second wall portion. Additionally, because the pin and pawl are connected at the through-hole such that the pin is completely constrained by the through-hole, the pin does not bear in alternating fashion on opposed sides of the through-hole. The pin simply bears on the through-hole in its entirety, and does not alternate the fashion in which the motion of the pin is translated to the pawl.

Claims 1 and 9 have been amended to clarify that the pawl recess in the present invention has a wall defining the recess, the wall further characterized by a first wall portion and a second wall portion

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spaced apart from the first wall portion. Additionally, claims 1 and 9 have been amended to clarify that the biasing means alternates in bearing on the first wall portion and second wall portion of the wall defining the recess of the sliding pawl. Applicant's admitted prior art does not teach a pawl with a recess having a wall with a first wall portion and a second wall portion. Further, Applicant's admitted prior art does not teach a biasing means that alternates in bearing on two spaced wall portions of a sliding pawl recess. Therefore, amended claims 1 and 9 are distinguishable over the invention described in Applicant's admitted prior art.

Claims 2 and 5-8 depend from claim 1, and therefore the limitations of claim 1 are included in the scope of claims 2 and 5-8. Claims 10 and 13-16 depend from claim 9, and therefore the limitations of claim 9 are included in the scope of claims 10 and 13-16. Applicant repeats and hereby incorporates the remarks made above regarding allowable claims 1 and 9. For these reasons, Applicant respectfully submits that claims 2, 5-8, 10, and 13-16 are also allowable over Applicant's admitted prior art.

Furthermore, neither the *Rozmus* nor the *Kress* references cited by the Examiner teach a biasing means that alternates in bearing on two spaced wall portion of a sliding pawl recess. Therefore, the combination of the cited references with Applicant's admitted prior art cannot render obvious the claimed invention. When an independent claim is nonobvious under 35 U.S.C. § 103, any claim depending therefrom is nonobvious.¹ As claim 6 depends from claim 1, and claim 14 depends from claim 9, Applicant submits that claims 6 and 14 are also not obvious under 35 U.S.C. § 103. Applicant respectfully submits that claims 6 and 14 are in condition for allowance.

New claims 17 and 18 recite that the wall defining the recess includes a third wall portion intermediate the first wall portion and the second wall portion, wherein a distance between the third wall portion and a center of the recess is smaller than that between the center of the recess and each of the first wall portion and the second wall portion. These features are not shown or disclosed by Applicant's admitted prior art, and are not shown by Applicant's admitted prior art in combination with either *Rozmus* or *Kress*.

As discussed above, none of Applicant's admitted prior art, *Rozmus*, or *Kress* teach a biasing means that alternates in bearing on two spaced wall portion of a sliding pawl recess, as is claimed in the amended claims. Therefore, the claims as amended are not anticipated by Applicant's admitted prior art or obvious over a combination of Applicant's admitted prior art and *Rozmus* or *Kress*.

¹ MPEP § 2143.03.

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Conclusion

Allowance of claims 1, 2, 5, 7-10, 13, 15, and 16 is respectfully requested. If the Examiner believes that a telephonic interview would be beneficial, the Examiner is invited to contact the undersigned at the number listed below.

If any fee is due, the Commissioner is authorized to charge such fee to Deposit Account Number 03-2769 of Conley Rose, P.C., Houston, Texas.

Respectfully submitted,



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